IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM:

DATED:27.10.2006

THE HON'BLE MR. JUSTICE P. SATHASIVAM

WRIT PETITION NO.16956 of 1995

and WPMP.Nos.26892/95 & 7236 /96

J.J. Steels (P) Ltd., .. Petitioner

vs.

1.State of Tamil Nadu rep. By
its Secretary (PWD)
(Electricity) Madras 9.

2.Tamil Nadu Electricity Board
rep. By its Chairman
Anna Salai, Madras 2. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records concerning the issue of G.O.Ms.No.88 (Energy) dated 18.5.94 and quash the same as unconstitutional ultra vires and illegal and directing the respondents to collect the concession tariffs as per G.O.Ms.No.313 PW (Electricity- U2) dated 26.2.93 so far as this Petitioner is concerned, pending disposal of the Writ Petition.

For petitioner : Mr. G. Karthikeyan
For respondents :Mr. P. Subramanian,
Government Advocate for R.1
Mr. R. Subbiah for R.2

..

ORDER

WEB COPY

In view of the order in WPMP.No.18210 of 2006, the writ petition itself is taken up for final hearing.

2. Heard the learned counsel for the petitioner as well as the respondents.

3. It is not in dispute that the matter in issue is covered by a Division Bench decision of this Court in T.N.E.B. vs. M/s.

https://hcservices.ecourts.gov.in/hcservices/

K.S.V. Cotton Mills Pvt. Ltd., (AIR 2005 Madras 400). The learned counsel appearing for the second respondent, Tamil Nadu Electricity Board has brought to my notice that against the above cited Division Bench decision, the Board has filed an appeal to the Supreme Court and the matter is now pending before the Supreme Court in SLP.(C) CC No.1014/2006, TNEB v. Raha Oils (P) Ltd., SLP.(C) CC No.1315/2005.

4. It is the case of the petitioner that each month it has received tariff concession and a petition has been filed only to restrain the respondents from demanding and collecting electricity tariff concession already granted to the petitioner. In such circumstances, the following order will protect the interest of both parties. The issue regarding the entitlement to the tariff concession and construction of the word "set up" has not yet been decided and it has to be decided only by the Supreme Court, the right of the Electricity Board to demand tariff concession already granted and received by the petitioner will depend upon the outcome of the matter before the Supreme Court. Until then no such demand shall be made on the petitioner. On the above terms, the writ petition is disposed of. No costs. Consequently, connected WPMPs., are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

kh

To

1.The Secretary (PWD)
State of Tamil Nadu rep. By
Electricity) Madras 9.

2.The Chairman
Tamil Nadu Electricity Board
Anna Salai, Madras 2.

1 cc to Mr.G. Karthikeyan, Advocate, Sr. 50155

W.P.No.16956 of 1995

RNA (CO)
kk

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/